

REMARKS**I. Introduction****The Final Action:**

Finally rejects claims 1, 10, 15, and 16 under 35 U.S.C. § 103(a);

Objects to claims 2-9 and 11-14 as containing allowable subject matter but depending from a rejected claim; and

Allows claims 21-27.

This Response:

Amends claim 10 to correct a typographical error;

Notes with appreciation the allowance of claims 21-27 and the finding that claims 2-9 and 11-14 contain allowable subject matter; and

Traverses the rejections of claims 1, 10, 15, and 16.

Claim 10 is amended to correct a typographical error, an not in an effort to alter its scope or to effect patentability. In the light of the arguments below, the Applicants respectfully assert that claims 1, 10, 15, and 16 are patentable over the cited art and respectfully ask the Examiner to withdraw the rejection of record. The Applicants also submit that the patentability of claims 1 and 10 render the objections to claims 2-9 and 11-14 moot, and respectfully ask that these objections be withdrawn as well. Claims 1-16 and 21-27 remain pending in the present application.

II. The Rejection of Claims 1, 10, 15, and 16

The Final Acton finally rejects claims 1, 10, 15, and 16 as obvious in light of Hill et al., U.S. Patent No. 6,161,198 (hereinafter *Hill*) and Chan, U.S. Patent No. 6,539,446 (hereinafter *Chan*). However, the Applicants respectfully assert that the rejections of the Final Action do not establish a *prima facie* case for rejecting claims 1, 10, 15, and 16. The Applicants respectfully remind the Examiner that M.P.E.P. § 2143 requires an obviousness rejection to meet three basic criteria before it establishes a *prima facie* case. First the rejection must recite a motivation for combining the references proposed that is either found in the references themselves or that was generally known to those of ordinary skill in the art at the time the invention was made. Second, the combination must have inspired a

reasonable expectation of success. Third, the combination must teach or suggest each and every limitation of the rejected claims. Without conceding that the Current Action establish the first or second criteria, the Applicants respectfully assert that the Current Action fails to show that the proposed references teach or suggest each and every limitation of the claims rejected.

First, the cited references do not teach or suggest all of the limitations of the rejected claims. With regard to claim 1, the Applicants note that the Final Action the Examiner has misstated the claim limitations. At page 3 of the of The Final action the Examiner remarks, “Regarding the limitation of, ‘generating a sequence number at an originating node.’” The Applicants respectfully point out, however, that claim 1 actually recites “generating a sequence number request at an originating node,” and respectfully remind the Examiner that each limitation must be given patentable weight. Using the misstated limitation, the Final Action goes on to contend that “Hill discloses a system wherein a processing unit transmits a message and includes a sequence number.” Final Action page 3, citing *Hill* column 2, lines 6-8. Without conceding that this represents an accurate description of *Hill*’s teachings, the Applicants respectfully point out that this combination does not meet the actual recitation of claim 1. The combination proposed by the Examiner is a transmission generating a sequence number. Claim 1 requires a sequence number request. Neither *Hill* nor *Chan* appear to teach or suggest “generating a sequence number request at an originating node,” therefore the combination does not establish a *prima facie* case for rejecting claim 1. The Applicants respectfully ask the Examiner to withdraw the rejection of record.

The Examiner also appears to be mistaken with regard to the limitations of claim 10. In their previous Response, dated May 14, 2004 (paper No. 6), the Applicants demonstrated that *Hill* does not teach or suggest a sequence number generator disposed to receive a sequence number request from an originating device, as required by claim 10. Previous Response page 10. In the Final Action, the Examiner responds by contending that “Hill discloses that a sequence number can be generated by a host along with a message to be sent and then the message and the number can be received with the message from the corresponding host.” Final action page 7, citing Figure 6 and column 8, lines 45-62. However, this appears to be a misstatement of the limitations in claim 10 which, in part

require a “sequence number generator disposed to receive a sequence number request from an originating device.” The cited portions of *Hill* do not teach this limitation, thus, even if the Examiner’s classification of the cited features is accepted, the Applicants respectfully point out that it would not meet the indicated limitations of claim 10. Because *Chan* does not teach or suggest this limitation either, the rejection fails to establish a *prima facie* case for rejecting claim 10. The Applicants respectfully ask the Examiner to withdraw the rejection of record.

Claims 15 and 16 depend indirectly from claim 10, and thus inherit all of that claim’s limitations. Therefore, claims 15 and 16 contain limitations neither taught nor suggested by the art of record, and the Final Action has failed to establish a *prima facie* case for rejecting these claims. The Applicants respectfully ask the Examiner to withdraw the rejection of record to claims 15 and 16.

III. The Objections to Claims 2-9 and 11-14

Claims 2-9 depend either directly or indirectly from claim 1, and claims 11-14 depend either directly or indirectly from claim 10. As demonstrated above, claim 1 and claim 10 are patentable over the prior art of record. Therefore, the objections to claims 2-9 and 11-14 are moot, and the Applicants respectfully ask that they be withdrawn.

IV. Conclusion

In view of the above amendment, applicant believes the pending application is in condition for allowance.

Applicant believes no fee is due with this response. However, if a fee is due, please charge Deposit Account No. 08-2025, under Order No. 10001459-1 from which the undersigned is authorized to draw.

I hereby certify that this correspondence is being deposited with the U.S. Postal Service as Express Mail, Airbill No. EV482738785US, in an envelope addressed to: MS AF, Commissioner for Patents, PO Box 1450, Alexandria, VA 22313-1450, on the date shown below.

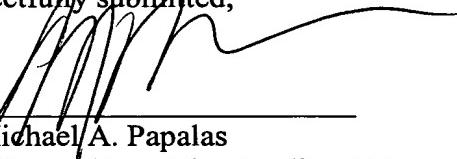
Date of Deposit: October 5, 2004

Typed Name: Phyllis Ewing

Signature: 

Respectfully submitted,

By _____


Michael A. Papalas
Attorney/Agent for Applicant(s)
Reg. No.: 40,381

Date: October 5, 2004

Telephone No. (214) 855-8186